

EPA-R5-2015-005032RR-1

Catherine Parker

Ex. 6 - Privacy

02/27/2012 09:04 AM

To: Melanie Haveman

cc

bcc

Subject: Re: R5 FOIA Request Acknowledgment--

Hello Melanie,

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Subject: Re: R5 FOIA Request Acknowledgment--

To: "Catherine" <Ex. 6 - Privacy>

Date: Friday, February 24, 2012, 2:00 PM

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Thank you,
Melanie Haveman
U.S. EPA (ww-16j)
77 W. Jackson Blvd
Chicago, Illinois 60604
312-886-2255

From: Catherine <Ex. 6 - Privacy>

To: Melanie Haveman/R5/USEPA/US@EPA

Date: 03/21/2011 01:22 PM

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To: "Catherine" <Ex. 6 - Privacy [REDACTED]>
Date: Monday, March 21, 2011, 9:00 AM

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Date: 03/20/2011 04:01 PM
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From: Winfrey, Joseph <r5foia@epa.gov>
Subject: R5 FOIA Request Acknowledgment--
To: **Ex. 6 - Privacy**
Date: Thursday, February 24, 2011, 2:46 PM

EPA-R5-2015-005032RR-2

Catherine Parker

<Ex. 6 - Privacy>

02/27/2012 09:21 AM

To: Melanie Haveman

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Subject: Re: R5 FOIA Request Acknowledgment--

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EPA-R5-2015-005032RR-3

Catherine Parker

~~Ex. 6 - Privacy~~

02/29/2012 11:45 AM

To: Melanie Haveman

cc

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Subject: Re: R5 FOIA Request Acknowledgment--

Hello Melanie,

Could you please tell me what the time frame is for the federal regulators (EPA, FWS and AC) to review public comments on the CR 595 application? And to whom written comments should be addressed at these agencies?

Thank you, and thanks for your help with the FOIAs, also!

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Date: Tuesday, February 28, 2012, 1:13 PM

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EPA-R5-2015-005032RR-4

Melanie
Haveman/R5/USEPA/US
02/29/2012 04:52 PM

To Catherine Parker
cc
bcc
Subject Re: R5 FOIA Request Acknowledgment--

Hi Catherine,

Public comments on CR-595 should go to the state as they are the permitting authority in this case.
Here is a link to the Public Notice with details about commenting :
<http://www.deq.state.mi.us/lwmpnh/default.asp?PermitNo=11520075>

Melanie Haveman
U.S. EPA (ww-16j)
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| | | |
|------------------|---|------------------------|
| Catherine Parker | Hello Melanie, Could you please tell... | 02/29/2012 11:45:35 AM |
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EPA-R5-2015-005032RR-5

Jessica Koski

Ex. 6 - Privacy

03/02/2012 12:02 PM

To pennalav

cc caseys, Wendy Melgin, Melanie Haveman, jean.m.battle2,
john.konik

bcc

Subject Public Hearing 11-52-0075-P Comment

March 2, 2012

MDEQ

420 Fifth Street

Gwinn, MI 49841

RE: Public Hearing 11-52-0075-P Comment (Marquette County Road 595)

To Whom It May Concern:

As both a citizen of Michigan and a Keweenaw Bay Indian Community Tribal Member with reserved usufructuary treaty rights under the Treaty of 1842 that encompasses present-day Marquette County, I strongly oppose proposed Marquette County Road 595 for the following reasons:

1. The project purpose is misleading and inaccurate.

Proposed County Road 595 (CR 595), although applied for by the Marquette County Road Commission (MCRC), has been designed by, and would primarily be funded and used by, Kennecott Minerals (a wholly-owned subsidiary of Rio Tinto) as part of the company's Eagle Mine and Humboldt Mill project.

In the CR 595 application, the stated purpose for the road is described as:

"...to construct a primary county north-south road that 1) connects and improves emergency, commercial, industrial and recreational access to a somewhat isolated but key industrial, commercial and recreational area in northwest Marquette County to US-41; and 2) reduces truck travel from this area through Marquette County population centers."

However, the reality is that CR 595 is a mining haul road that would immediately service Kennecott's Eagle Mine and Humboldt Mill. There is no previously documented public need for this road for either safety, emergency, recreation or other reasons. On the other hand, Kennecott's Eagle Mine permit application demonstrates that they considered the possibility of a south haul route as far back as 2006. The proposed route begins precisely at Kennecott's Humboldt milling facility and ends at Kennecott's Eagle Mine. Kennecott has planned for the road largely designed from its previous Woodland Road application. Kennecott would pay almost entirely to build the road, and has invested over \$8 million in the project thus far. And, Kennecott would undoubtedly be the primary user and beneficiary of this road.

2. Native American Treaty Rights

The Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa, among other tribes, along with their members, retained in the 1842 Treaty with the Chippewa their inherent right to hunt, fish, trap and gather in, on and over lands and waters that were ceded to the United States under the Treaty. The proposed CR 595 is within this ceded territory.

Large scale developments to the land and natural environment within the ceded territory pose a considerable threat to treaty and cultural resources still used by tribal members, including myself and my family, today. Such resources include plants such as the White Cedar, medicinal roots, berries, and harvestable wildlife such as deer and fish.

In 1993, the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) published "Plants Used by the Great Lakes Ojibwa" which provides detailed data and information about traditional plant use and occurrence in the northern Great Lakes region, including within the proposed CR 595 project area. Many of these plants, used as traditional foods and medicines, occur specifically in wet areas and wetlands. These plants are an essential part of my life-way and the life-ways of the Ojibwa people, and rights to access, harvest and use these resources are protected through treaty reserved usufructory rights within the project area. Continued degradation and destruction of these resources without my community's Free, Prior, and Informed Consent further violates international human rights principles (UN Declaration on the Rights of Indigenous Peoples) and threatens our culture and survival as a people.

3. EPA Concerns Remain

Federal concerns with the original Woodland Road application still remain. In March 2010, the U.S. Environmental Protection Agency (EPA), along with the U.S. Army Corps of Engineers (USACE) and U.S. Fish & Wildlife Service (USFWS), informed the Michigan Department of Natural Resources and Environment (now the Department of Environmental Quality) that it must require Kennecott to address a number of serious deficiencies in its permit application and obtain a Section 404 Clean Water Act permit for its ore hauling project, then called "Woodland Road."

Instead of addressing these concerns, Kennecott withdrew its application. In September 2010, the Woodland Road ore hauling plan was revived and re-branded as a public-private partnership under a new name: Marquette County Road 595.

Despite the new name and surrogate of the Marquette County Road Commission, many of EPA's primary objections to Kennecott's original mining haul road application are still relevant to the 595 application, including (1) inaccurate/misleading project purpose, (2) insufficient consideration of alternative routes, (3) likelihood that 595 would lead to additional development, (4) holistic view of entire project required under federal law, and (5) need for a Section 404 Clean Water Act permit from the USACE.

The EPA stated that "if the same road is proposed, it would most likely receive a federal objection based on the same factors that determined the Woodland Road response." This should remain regardless of what entity files the application.

4. Dangerous Precedent

Allowing Marquette County to apply for Kennecott's new mine road sets a dangerous precedent for other similar industrial projects. The piecemeal application process of Kennecott's mining project has thus far been able to proceed with limited federal oversight, and hence limited federal trust responsibilities to affected tribes including treaty obligations.

Multiple communications demonstrate that 595 is intended to be Kennecott's road. Kennecott has pledged up to \$500,000 to support the permitting of 595, by both managing and supervising the process. In August of 2011, Kennecott Eagle Minerals President Adam Burley sent an email to the road commissioners requesting they organize closed-door transportation advisory panel meetings composed of representatives from Kennecott, the MCRC and other governmental officials, in order to work in partnership to ensure alignment of effort, communication, and advice on appropriate actions and strategies.

Allowing such deviously planned industrial mining projects of this scale to proceed simply because Kennecott has found a public partner sets a dangerous precedent for other similar industrial projects that significantly degrade and destroy area ecosystems and water quality. Kennecott must be required to pursue permits for its project on its own, as is required with all other aspects of its mining plan intended for individual private for-profit use.

5. Impacts to Wetlands & the Environment

CR 595 would cause unacceptable destruction and degradation to aquatic and terrestrial ecosystems, pollute and degrade the waters of the Yellow Dog Plains, Michigamme Highlands and the Mulligan Plains. Hence, CR 595 would negatively impact treaty reserved rights of Ojibwa tribes signatory of the Treaty of 1842, and should be denied. 595 would directly affect about 25 acres of wetlands and indirectly affect many acres of land outside of the road's immediate footprint.

The applicant has failed to show, as required by the laws of Michigan, that construction and operation of CR 595 "...will not pollute, impair or destroy the air, water or other natural resources or the public trust in those resources....". The MDEQ must not grant a permit if the proposed project or structure will result in significant degradation and destruction of aquatic ecosystems, waters, and associated natural resources. The proposed project would result in changes in runoff patterns, alter stream hydrology, and would likely increase peak flows of streams within the project area, many of which discharge to the Silver Lake basin. Increased storm-water and snowmelt runoff, changes in watershed storage capacity, and alteration of hydrology will result. There is abundant evidence that the construction of new roads causes changes in runoff, hydrology, and peak flows within a watershed. Roads change the hydrology of a watershed by altering surface water flow and causing changes in runoff patterns.

Furthermore, the applicant fails to acknowledge likely contaminant introductions to the area environment through use of CR 595 for hauling metallic sulfide ores from the Kennecott Eagle Mine.

Nearly seventy-five percent of the original wetland area of Michigan (over 11 million acres) has already been destroyed. The number of acres of directly impacted wetlands in the 595 application is approximately

1.5 less than for the Woodland Road -- which was rejected largely due to unacceptable levels of wetlands impact. Although the applicant proposes to mitigate wetland impacts by rebuilding new ones, such wetlands mitigation is known to have a high rate of failure.

6. Alternative Analysis

The CR 595 application does not adequately consider alternative hauling routes nor routes to achieve MCRC's generally stated purposes. In fact, a number of existing options other than 595 could provide faster emergency access, reduce impacts on water resources, avoid major population centers, and still serve the needs of industry.

The introductory language to the applicant's project purpose presumes the need for an entirely new road to be "constructed," rather than achieving the same stated ends by enhancing viable existing routes. Yet, upgrades to current county approved trucking routes will improve access to northwest Marquette County and better serve the public with fewer adverse environmental impacts. Updating Kennecott's permitted haul route (AAA-510-550) and continuing to use other existing roads would result in wetland impacts of only about one acre. Additionally, the original road-rail route described in Kennecott's Eagle Mine application (prior to amendment) are not considered in the application.

Until alternatives are adequately and fully considered, CR 595 should be denied.

7. Cumulative Effects

There has been no cumulative impacts study involving the Kennecott Eagle Mine, Haul Route and Humboldt Mill. As the Army Corps stated in their analysis of the Woodland Road application, "If the road is required to connect the proposed nickel mine at Eagle Rock with the milling operation and tailings disposal facility at Humboldt, these actions should be evaluated under one project."

The undeniable true primary purpose for the road is to connect Kennecott's operations between the Eagle Mine and Humboldt Mill. Thus, these collective mining actions must be evaluated under one project. There should be a federal Environmental Impact Statement that encompasses the cumulative impacts of the mine, road and mill, despite separate state permits that have advanced thus far. Cumulative effects from Kennecott's mining activities will disproportionately negatively impact the Ojibwa people who depend on the reserved treaty resources of the project area.

Furthermore, secondary impacts of additional road-building and land-use alteration associated with 595 have not been evaluated. Local officials and legislators are intent on opening up the area for industrial development, particularly mining. The potential for additional road construction and associated industrial activities must be considered as part of the cumulative and anticipated activities in the watershed. Such activities can more appropriately and properly be considered in a mining permit amendment that Kennecott should be obligated to submit due to changes in their transportation plans for the Eagle Mine.

Please feel free to contact me at [Ex. 6 - Privacy](#) or [Ex. 6 - Privacy](#) if you have any questions.

Respectfully,

Jessica L. Koski

Keweenaw Bay Indian Community Tribal Member;

Citizen of Michigan's Upper Peninsula;

Native Studies Instructor, Ojibwa Community College;

Mining Technical Assistant, Keweenaw Bay Indian Community;

National Environmental Justice Advisory Council Indigenous Peoples Work Group Representative;

Alumna, Yale School of Forestry & Environmental Studies

cc:

Steve Casey, MDEQ

Wendy Melgin, USEPA

Melanie Haveman, USEPA

John Konik, USACE



Jean Battle, USACE Public Hearing 11-52-0075-P Comment_Jessica Koski_3-2-12.pdf

EPA-R5-2015-005032RR-6

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Ex. 6 - Privacy

03/19/2012 10:23 AM

To Susan Hedman

cc Tinka Hyde, Melanie Haveman, Jean.M.Battle2, john.konik,
chris_mensing, tom_melius

bcc

Subject County Road 595 Written Comments; Please review

March 19, 2010

Subject: CR 595, Marquette County, Michigan

Dear Ms. Hedman,

Here are the comments I've submitted to the Michigan DEQ, regarding Kennecott's (please see attached Record of Congressional Telephone Conversation) County Road 595 in Marquette County. They are a result of much research and many long hours of organizing the resulting material. I hope you will give them a thorough and objective review.

I believe that, based on the statutes, this project should not go forward, but my fear is that the DEQ will give approval due to pressure from Governor Snyder's office. You may already be aware that he has ties to Kennecott/Rio Tinto. There is documentation of that in the enclosed letter and attachments, as well as a good deal of other information that may not have been made available to the federal agencies reviewing the 595 application.

Your careful attention to this matter is much appreciated.

Sincerely,

Catherine Parker

Ex. 6 - Privacy

Marquette, MI 49855

Ex. 6 - Privacy

Ex. 6 - Privacy

cc: Tinka Hyde

Melanie Haveman

Jean Battle

John Konik

Chris Mensing

Tom Melius



CR 595 - Written Comments for DEQ, 3-2-12.pdf November 30, 2011 Call Materials 1.pdf



road facilities plan - future road connections 2008.pdf Resolution for 595 1-9-2012.docx-1.pdf



cow_april_11__2006(1).pdf

EPA-R5-2015-005032RR-7

Catherine Parker

Ex. 6 - Privacy

03/19/2012 10:27 AM

To Susan Hedman

cc Tinka Hyde, Melanie Haveman, Jean.M.Battle2, john.konik,
chris_mensing, tom_melius

bcc

Subject County Road 595, additional documentation

Please consider these documents, along with the previous letter and attachments.

Thank you again,

Catherine Parker



2011-12-07 Fulcher-Iwanicki.pdf Eagle Mine EIA 56.pdf Eagle Mine EIA 77.pdf local_zoning_analysis.pdf

EPA-R5-2015-005032RR-8

Catherine Parker

<Ex. 6 - Privacy

04/18/2012 10:56 PM

To Peter Swenson

cc

bcc

Subject Fw: County Road 595 Written Comments; Please review

--- On **Mon, 3/19/12**, Catherine Parker <Ex. 6 - Privacy wrote:

From: Catherine Parker <Ex. 6 - Privacy

Subject: County Road 595 Written Comments; Please review

To: hedman.susan@epa.gov

Cc: hyde.tinka@epa.gov, Haveman.melanie@epa.gov, Jean.M.Battle2@usace.army.mil, john.konik@usace.army.mil, chris_mensing@fws.gov, tom_melius@fws.gov

Date: Monday, March 19, 2012, 10:23 AM

March 19, 2010

Subject: CR 595, Marquette County, Michigan

Dear Ms. Hedman,

Here are the comments I've submitted to the Michigan DEQ, regarding Kennecott's (please see attached Record of Congressional Telephone Conversation) County Road 595 in Marquette County. They are a result of much research and many long hours of organizing the resulting material. I hope you will give them a thorough and objective review.

I believe that, based on the statutes, this project should not go forward, but my fear is that the DEQ will give approval due to pressure from Governor Snyder's office. You may already be aware that he has ties to Kennecott/Rio Tinto. There is documentation of that in the enclosed letter and attachments, as well as a good deal of other information that may not have been made available to the federal agencies reviewing the 595 application.

Your careful attention to this matter is much appreciated.

Sincerely,

Catherine Parker

Ex. 6 - Privacy

Marquette, MI 49855

Ex. 6 - Privacy

Ex. 6 - Privacy

cc: Tinka Hyde






Melanie Haveman

Jean Battle

John Konik

Chris Mensing

Tom Melius

 
CR 595 - Written Comments for DEQ, 3-2-12.pdf November 30, 2011 Call Materials 1.pdf
 
road facilities plan - future road connections 2008.pdf Resolution for 595 1-9-2012.docx-1.pdf

cow_april_11__2006(1).pdf

EPA-R5-2015-005032RR-9

Catherine Parker

<Ex. 6 - Privacy

04/18/2012 10:57 PM

To Peter Swenson

cc

bcc

Subject Fw: County Road 595, additional documentation

--- On **Mon, 3/19/12**, Catherine Parker <Ex. 6 - Privacy wrote:

From: Catherine Parker <Ex. 6 - Privacy

Subject: County Road 595, additional documentation

To: hedman.susan@epa.gov

Cc: hyde.tinka@epa.gov, Haveman.melanie@epa.gov, Jean.M.Battle2@usace.army.mil, john.konik@usace.army.mil, chris_mensing@fws.gov, tom_melius@fws.gov

Date: Monday, March 19, 2012, 10:27 AM

Please consider these documents, along with the previous letter and attachments.

Thank you again,

Catherine Parker



2011-12-07 Fulcher-Iwanicki.pdf Eagle Mine EIA 56.pdf Eagle Mine EIA 77.pdf local_zoning_analysis.pdf

To Catherine Parker

CC

bcc

Subject Re: Fw: County Road 595, additional documentation

Dear Ms Parker

This is to acknowledge receipt of the message below and the message previous to it. Thank you for providing comments on proposed CR 595.

Peter Swenson (WW-16J)
Chief, Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

Catherine Parker

--- On Mon, 3/19/12, Catherine Parke...

04/18/2012 10:57:27 PM

From: Catherine Parker [Ex. 6 - Privacy](#)
To: Peter Swenson/R5/USEPA/US@EPA
Date: 04/18/2012 10:57 PM
Subject: Fw: County Road 595, additional documentation

--- On Mon, 3/19/12, Catherine Parker <Ex. 6 - Privacy wrote:

From: Catherine Parker <Ex. 6 - Privacy>
Subject: County Road 595, additional documentation
To: hedman.susan@epa.gov
Cc: hyde.tinka@epa.gov, Haveman.melanie@epa.gov, Jean.M.Battle2@usace.army.mil, john.konik@usace.army.mil
Date: Monday, March 19, 2012, 10:27 AM

Please consider these documents, along with the previous letter and attachments.

Thank you again,

Catherine Parker

[a tachment "2011-12-07 Fu che -leavrick.pdf" deleed by Peter Swenson@USEPAUS] [a tachment "Eagle Mine EIA SE.pdf" deleed by Peter Swenson@USEPAUS] [a tachment "Eagle Mine EIA T77.pdf" deleed by Peter Swenson@USEPAUS] [a tachment "foca _zon ng _ara ysis.pdf" deleed by Peter Swenson@USEPAUS]

EPA-R5-2015-005032RR-11

Catherine Parker

Ex. 6 - Privacy

08/16/2012 02:43 PM

To Melanie Haveman

cc

bcc

Subject CR 595: public comments from DEQ hearing

Hello Melanie,

I can't seem to find the public comments online anywhere, and would like to see both those and the responses from the RC/DEQ. Do you have them, and if so, would you forward them to me, please?

Thanks very much!

Catherine Parker
Marquette, MI

EPA-R5-2015-005032RR-12

Catherine Parker

<Ex. 6 - Privacy>

08/16/2012 06:15 PM

To: Melanie Haveman

cc

bcc

Subject: Re: CR 595: public comments from DEQ hearing

Hi Melanie,

Steve Casey told me I'd have to go through the FOIA process to get the comments and responses. When I objected, I got a message saying he was on vacation. He did not say they hadn't responded yet. I think it's very important that you see what the public had to say, and I'd really like a chance to review both comments and responses before the EPA hearing. I wonder why they aren't online?

Thanks,

Catherine

--- On **Thu, 8/16/12**, **Melanie Haveman** <Haveman.Melanie@epamail.epa.gov> wrote:

From: Melanie Haveman <Haveman.Melanie@epamail.epa.gov>

Subject: Re: CR 595: public comments from DEQ hearing

To: "Catherine Parker" <Ex. 6 - Privacy>

Date: Thursday, August 16, 2012, 3:56 PM

Hi Catherine,

I do not believe MDEQ has responded to public comments yet. All Michigan CR 595 documents are on this website, so once they respond to comments, that document will be published there:

http://www.michigan.gov/deq/0,4561,7-135-3307_29692_24403-283414--,00.html

EPA also has a website regarding our public hearing on August 28:

<http://www.epa.gov/region5/water/cr595/>

Melanie Haveman
U.S. EPA (ww-16j)
77 W. Jackson Blvd
Chicago, Illinois 60604
312-886-2255

From: Catherine Parker <Ex. 6 - Privacy>
To: Melanie Haveman/R5/USEPA/US@EPA,
Date: 08/16/2012 02:50 PM
Subject: CR 595: public comments from DEQ hearing

Hello Melanie,

I can't seem to find the public comments online anywhere, and would like to see both those and the responses from the RC/DEQ. Do you have them, and if so, would you forward them to me, please?

Thanks very much!

Catherine Parker
Marquette, MI

EPA-R5-2015-005032RR-13

Catherine Parker

~~Ex. 6 - Privacy~~

08/17/2012 02:45 PM

To: Melanie Haveman

cc

bcc

Subject: Fw: Public comment on CR 595: LTEs

Hi Melanie,

The e-mail address provided in the EPA's notice for public hearing doesn't seem to be working. I went to your link and saw a different address. Please advise.

Thank you,

Catherine

--- On Fri, 8/17/12, Catherine Parker <~~Ex. 6 - Privacy~~> wrote:

From: Catherine Parker <~~Ex. 6 - Privacy~~>

Subject: Public comment on CR 595: LTEs

To: r5_cr595_comments@epa.gov

Date: Friday, August 17, 2012, 2:34 PM

Hello Melanie,

A search of the Mining Journal's archives turned up the following letters expressing concerns about constructing Woodland Rd/CR 595. I'm sure I've missed a few!

<http://www.miningjournal.net/page/content.detail/id/578624/Alternative-proposed.html>

<http://www.miningjournal.net/page/content.detail/id/576025/Mine-must-obey-rules.html>

<http://www.miningjournal.net/page/content.detail/id/575148/Ballot-issue--anyone-.html>

<http://www.miningjournal.net/page/content.detail/id/573397/Habitat-at-risk.html>

<http://www.miningjournal.net/page/content.detail/id/572218/Purpose-is-to-haul.html>

<http://www.miningjournal.net/page/content.detail/id/567109/On-right-track-.html>

<http://www.miningjournal.net/page/content.detail/id/566780/What-s-important.html>

<http://www.miningjournal.net/page/content.detail/id/558552/Road-to-somewhere.html>

<http://www.miningjournal.net/page/content.detail/id/558339/According-to-plan-.html>

<http://www.miningjournal.net/page/content.detail/id/558089/Bad-planning-here.html>

<http://www.miningjournal.net/page/content.detail/id/556277/Seeking-new-info.html>

<http://www.miningjournal.net/page/content.detail/id/561508/Company-challenged.html>

<http://www.miningjournal.net/page/content.detail/id/556865/Changes-are-coming.html>

<http://www.miningjournal.net/page/content.detail/id/556149/Siding-with--green-.html>

<http://www.miningjournal.net/page/content.detail/id/543701/Questions-votes.html>

<http://www.miningjournal.net/page/content.detail/id/542952/Mine-questioned.html>

<http://www.miningjournal.net/page/content.detail/id/542707/Key-point-missed.html>

<http://www.miningjournal.net/page/content.detail/id/540142/Planned-Kennecott-highway-is-not-a-woodland-road.html>

<http://www.miningjournal.net/page/content.detail/id/559087/Tongue-in-cheek.html>

EPA-R5-2015-005032RR-14

Melanie
Haveman/R5/USEPA/US
08/17/2012 02:48 PM

To Catherine Parker
cc
bcc
Subject Re: Fw: Public comment on CR 595: LTEs

Catherine,

please e-mail your comments to the address on the website. We had some technology issues with the other e-mail.

Thank you,
Melanie Haveman
U.S. EPA (ww-16j)
77 W. Jackson Blvd
Chicago, Illinois 60604
312-886-2255

| | | |
|------------------|---|------------------------|
| Catherine Parker | Hi Melanie, The e-mail address provi... | 08/17/2012 02:45:11 PM |
|------------------|---|------------------------|

From: Catherine Parker <Ex. 6 - Privacy>
To: Melanie Haveman/R5/USEPA/US@EPA,
Date: 08/17/2012 02:45 PM
Subject: Fw: Public comment on CR 595: LTEs

Hi Melanie,

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Thank you,

Catherine

--- On **Fri, 8/17/12**, Catherine Parker <Ex. 6 - Privacy> wrote:

From: Catherine Parker <Ex. 6 - Privacy>
Subject: Public comment on CR 595: LTEs
To: r5_cr595_comments@epa.gov
Date: Friday, August 17, 2012, 2:34 PM

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<http://www.miningjournal.net/page/content.detail/id/575148/Ballot-issue--anyone-.html>

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<http://www.miningjournal.net/page/content.detail/id/567109/On-right-track-.html>

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<http://www.miningjournal.net/page/content.detail/id/561508/Company-challenged.html>

<http://www.miningjournal.net/page/content.detail/id/556865/Changes-are-coming.html>

<http://www.miningjournal.net/page/content.detail/id/556149/Siding-with--green-.html>

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<http://www.miningjournal.net/page/content.detail/id/542707/Key-point-missed.html>

<http://www.miningjournal.net/page/content.detail/id/540142/Planned-Kennecott-highway-is-not-a-woodland-road.html>

<http://www.miningjournal.net/page/content.detail/id/559087/Tongue-in-cheek.html>

EPA-R5-2015-005032RR-15

Catherine Parker

 Ex. 6 - Privacy

09/18/2012 03:24 PM

To Melanie Haveman

cc

bcc

Subject proposed County Rd 595

Hello Melanie,

Could you please tell me who, among the EPA staff, is reviewing the written public comments recently submitted for the County Road 595 proposal? A related question: are the comments being shared with other agencies?

Thank you very much.

Catherine

EPA-R5-2015-005032RR-16

Catherine Parker

<Ex. 6 - Privacy>

09/18/2012 03:56 PM

To: Melanie Haveman

cc

bcc

Subject: Re: proposed County Rd 595

Hi again,

What is a "responsiveness summary," and are you the only EPA staff person who is reviewing the original comments?

Thanks!

Catherine

--- On Tue, 9/18/12, Melanie Haveman <Haveman.Melanie@epamail.epa.gov> wrote:

From: Melanie Haveman <Haveman.Melanie@epamail.epa.gov>

Subject: Re: proposed County Rd 595

To: "Catherine Parker" <Ex. 6 - Privacy>

Date: Tuesday, September 18, 2012, 3:37 PM

Hi Catherine,

I am currently reviewing the public comments and compiling a responsiveness summary , which we will make available to the public and agencies.

The comments are public documents, so we will share them if we get requests from the agencies , but there is no plan to distribute them.

Melanie Haveman
U.S. EPA (ww-16j)
77 W. Jackson Blvd
Chicago, Illinois 60604
312-886-2255

From: Catherine Parker <Ex. 6 - Privacy>
To: Melanie Haveman/R5/USEPA/US@EPA,
Date: 09/18/2012 03:24 PM
Subject: proposed County Rd 595

Hello Melanie,

Could you please tell me who, among the EPA staff, is reviewing the written public comments recently submitted for the County Road 595 proposal? A related question: are the comments being shared with other agencies?

Thank you very much.

Catherine

EPA-R5-2015-005032RR-17

Melanie
Haveman/R5/USEPA/US
09/18/2012 04:09 PM

To Catherine Parker
cc
bcc
Subject Re: proposed County Rd 595

I should have been more specific.

By a responsiveness summary, I mean that because there are many similar comments, instead of responding to each person individually, there will be one document to respond to a majority of the comments.

There will be a group of us looking at the comments, including Peter Swenson and Sue Elston (who were at the public hearing), but currently, I am doing a primary review of the comments.

-Melanie

| | | |
|------------------|--|------------------------|
| Catherine Parker | Hi again, What is a "responsiveness... | 09/18/2012 03:56:13 PM |
|------------------|--|------------------------|

From: Catherine Parker <Ex. 6 - Privacy>
To: Melanie Haveman/R5/USEPA/US@EPA,
Date: 09/18/2012 03:56 PM
Subject: Re: proposed County Rd 595

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Date: Tuesday, September 18, 2012, 3:37 PM

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Melanie Haveman
U.S. EPA (ww-16j)

77 W. Jackson Blvd
Chicago, Illinois 60604
312-886-2255

From: Catherine Parker <Ex. 6 - Privacy>
To: Melanie Haveman/R5/USEPA/US@EPA,
Date: 09/18/2012 03:24 PM
Subject: proposed County Rd 595

Hello Melanie,

Could you please tell me who, among the EPA staff, is reviewing the written public comments recently submitted? comments being shared with other agencies?

Thank you very much.

Catherine

EPA-R5-2015-005032RR-18

Catherine Parker

Ex. 6 - Privacy

10/24/2012 08:42 PM

To Melanie Haveman, Sue Elston, Peter Swenson, Tinka Hyde,
Susan Hedman, PENNALAV, CASEYS, Jean.M.Battle2,
John.Konik

cc

bcc

Subject New information re CR 595

Dear Ms. Haveman,

Attached to this e-mail is a letter containing new information about County Road 595 and the permitting process. I have documentation in the form of notes, press releases, and reports, corroborating this information, which would have amounted to quite a few attachments. Please let me know if you'd like me to send any of it along.

Thank you,

Catherine Parker
Marquette, MI



Dear Ms. Haveman, 10-24-12.doc

EPA-R5-2015-005032RR-19

Tinka Hyde/R5/USEPA/US

10/25/2012 08:07 AM

To Catherine Parker

cc CASEYS, Jean.M.Battle2, John.Konik, Melanie Haveman,
PENNALAV, Peter Swenson, Sue Elston, Susan Hedman

bcc

Subject Re: New information re CR 595

Thanks Catherine - We will take a look and get back to you if we need additional information .

Tinka G. Hyde

Director, Water Division

U.S. EPA (W-15J)

77 W. Jackson Blvd., Chicago, IL 60604-3590

Fax: (312) 697-2562, Phone: (312) 886-9296

Catherine Parker

[Dear Ms. Haveman, Attached to this...](#)

10/24/2012 08:42:42 PM

From: Catherine Parker <Ex. 6 - Privacy>
To: Melanie Haveman/R5/USEPA/US@EPA, Sue Elston/R5/USEPA/US@EPA, Peter Swenson/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, PENNALAV@michigan.gov, CASEYS@michigan.gov, Jean.M.Battle2@usace.army.mil, John.Konik@usace.army.mil,
Date: 10/24/2012 08:42 PM
Subject: New information re CR 595

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Thank you,

Catherine Parker
Marquette, MI

In Attachment "Dear Ms. Haveman" 10/24/12 08:42 PM de send by Tinka Hyde/R5/USEPA/US

EPA-R5-2015-005032RR-20

Tinka Hyde/R5/USEPA/US

10/25/2012 08:07 AM

To Catherine Parker

cc CASEYS, Jean.M.Battle2, John.Konik, Melanie Haveman,
PENNALAV, Peter Swenson, Sue Elston, Susan Hedman

bcc

Subject Re: New information re CR 595

Thanks Catherine - We will take a look and get back to you if we need additional information .

Tinka G. Hyde

Director, Water Division

U.S. EPA (W-15J)

77 W. Jackson Blvd., Chicago, IL 60604-3590

Fax: (312) 697-2562, Phone: (312) 886-9296

Catherine Parker

[Dear Ms. Haveman, Attached to this...](#)

10/24/2012 08:42:42 PM

From: Catherine Parker <[Ex. 6 - Privacy](#)>
To: Melanie Haveman/R5/USEPA/US@EPA, Sue Elston/R5/USEPA/US@EPA, Peter Swenson/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, PENNALAV@michigan.gov, CASEYS@michigan.gov, Jean.M.Battle2@usace.army.mil, John.Konik@usace.army.mil,
Date: 10/24/2012 08:42 PM
Subject: New information re CR 595

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Thank you,

Catherine Parker
Marquette, MI

In Attachment "Dear Ms. Haveman" 10/24/12 08:42 PM de sent by Tinka Hyde/R5/USEPA/US

EPA-R5-2015-005032RR-21

Catherine Parker

Ex. 6 - Privacy

11/12/2012 02:28 PM

To chris_mensing

cc Melanie Haveman, Sue Elston, Peter Swenson, Tinka Hyde,
Susan Hedman, PENNALAV, CASEYS, Jean.M.Battle2,
John.Konik

bcc

Subject CR 595 and migratory birds

November 12, 2012

Dear Mr. Mensing,

You may or may not be aware that the Marquette County Road Commission holds meetings every month or so with a group that is referred to as the Ad Hoc Transportation Committee on County Road 595. Since you were involved in a very thoughtful review of the project in question, I thought you might be interested in this item, extracted from the minutes of their October 5 meeting:

Clearing regulations as they relate to migratory birds was discussed. A federal law is in place that prohibits clearing during the migratory months of April – August. Jim Iwanicki will be working with a local Conservation group on mitigation studies.

USFWS comments on the County Road 595 permit application state that 83 avian species were identified during surveys conducted along portions of the proposed route, and that this great diversity in species can be attributed to the variety of habitats in the proposed 595 corridor. FWS recommends avoiding habitat disturbance during nesting season:

The significant amount of habitat clearing required for the proposed road will have negative impacts on migratory birds. Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful; to take, capture, kill, or possess migratory birds, their nests, eggs, and young. We recommend the applicant minimize the project's impact to migratory birds by restricting removal of

potential nesting habitat during the nesting period to avoid take of migratory birds, eggs, young, and/or active nests. Specifically, we recommend that no habitat disturbance, destructions, or removal occur between April 15 and August 15 of each year to minimize potential impacts to migratory birds during their nesting season, although the application should be aware that some avian species initiate nesting before April 15.

And yet, in the MCRC's Request for Proposals, for both the 550 route and CR 595 (available on their website), construction is scheduled to begin mid-April, 2013, and would certainly go through the summer months, i.e., prime nesting season, for at least two calendar years.

Brian Roell, MDNR Wildlife Biologist, expressed numerous concerns regarding the effects of road construction in his comments on the CR 595 proposal:

- vehicle strike has been shown to be a significant cause of mortality in avian communities
- birds appear to have lower breeding success near roads
- the traffic noise effect extends outward for several hundred meters on both sides of highways, even in a forested landscape
- fragmentation of deciduous forest habitat has been identified as a probable cause of declines in many forest-interior songbird populations
- roads lower the habitat quality, decreasing forest bird densities
- birds are particularly sensitive to disruption, and species richness/abundance of birds has been shown to increase with an increasing distance from roads
- forest fragmentation can also influence the availability of host species by allowing the range expansion of nest parasites

He makes two recommendations:

- Minimize any new road construction by upgrading and using existing infrastructure
- Limit and minimize large grassy roadsides

Revisiting the permit application for CR 595, we see that the applicants have stated that habitat removal will be at least 66 feet in width, totaling, at a minimum, 180 acres. Yet they do not anticipate significant harm to avian species:

Depending on the time of year when clearing for construction of the road is taking place, it is possible that some nests will be destroyed. However, bird mortality as a result of that clearing or construction is anticipated to be minimal.

I am familiar with the Migratory Bird Treaty Act, and am aware that there is legal precedent for enforcing a broad interpretation of this Act. In some instances, especially those involving a major disruption in a relatively undisturbed, species-rich corridor, mitigation can never be adequate.

If FWS recommendations are followed, there will be no clearing or construction in the proposed 595 corridor during four full months of road construction season. If MNDR field staff recommendations are followed, the 595 project will be shelved and existing infrastructure will be upgraded, instead.

It is unfortunate that federal regulators are being pressured by legislators and local officials who are promoting construction of CR 595 in a misguided attempt to create jobs. It is my hope that EPA and ACE will continue to see through these specious arguments and uphold their objections to issuance of a permit for 595. If you can yet be of help, please consider restating your objections as well.

Thank you for your consideration.

Catherine Parker

Ex. 6 - Privacy .

Marquette, MI 49855

EPA-R5-2015-005032RR-22

Catherine Parker

Ex. 6 - Privacy

11/12/2012 02:33 PM

To Chris_Mensing

cc Melanie Haveman, Sue Elston, Peter Swenson, Tinka Hyde,
Susan Hedman, PENNALAV, CASEYS, Jean.M.Battle2,
John.Konik

bcc

Subject CR 595 & migratory birds

November 12, 2012

Dear Mr. Mensing,

You may or may not be aware that the Marquette County Road Commission holds meetings every month or so with a group that is referred to as the Ad Hoc Transportation Committee on County Road 595. Since you were involved in a very thoughtful review of the project in question, I thought you might be interested in this item, extracted from the minutes of their October 5 meeting:

Clearing regulations as they relate to migratory birds was discussed. A federal law is in place that prohibits clearing during the migratory months of April – August. Jim Iwanicki will be working with a local Conservation group on mitigation studies.

USFWS comments on the County Road 595 permit application state that 83 avian species were identified during surveys conducted along portions of the proposed route, and that this great diversity in species can be attributed to the variety of habitats in the proposed 595 corridor. FWS recommends avoiding habitat disturbance during nesting season:

The significant amount of habitat clearing required for the proposed road will have negative impacts on migratory birds. Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful; to take, capture, kill, or possess migratory birds, their nests, eggs, and young. We recommend the applicant minimize the project's impact to migratory birds by restricting removal of

potential nesting habitat during the nesting period to avoid take of migratory birds, eggs, young, and/or active nests. Specifically, we recommend that no habitat disturbance, destructions, or removal occur between April 15 and August 15 of each year to minimize potential impacts to migratory birds during their nesting season, although the application should be aware that some avian species initiate nesting before April 15.

And yet, in the MCRC's Request for Proposals, for both the 550 route and CR 595 (available on their website), construction is scheduled to begin mid-April, 2013, and would certainly go through the summer months, i.e., prime nesting season, for at least two calendar years.

Brian Roell, MDNR Wildlife Biologist, expressed numerous concerns regarding the effects of road construction in his comments on the CR 595 proposal:

- vehicle strike has been shown to be a significant cause of mortality in avian communities
- birds appear to have lower breeding success near roads
- the traffic noise effect extends outward for several hundred meters on both sides of highways, even in a forested landscape
- fragmentation of deciduous forest habitat has been identified as a probable cause of declines in many forest-interior songbird populations
- roads lower the habitat quality, decreasing forest bird densities
- birds are particularly sensitive to disruption, and species richness/abundance of birds has been shown to increase with an increasing distance from roads
- forest fragmentation can also influence the availability of host species by allowing the range expansion of nest parasites

He makes two recommendations:

- Minimize any new road construction by upgrading and using existing infrastructure
- Limit and minimize large grassy roadsides

Revisiting the permit application for CR 595, we see that the applicants have stated that habitat removal will be at least 66 feet in width, totaling, at a minimum, 180 acres. Yet they do not anticipate significant harm to avian species:

Depending on the time of year when clearing for construction of the road is taking place, it is possible that some nests will be destroyed. However, bird mortality as a result of that clearing or construction is anticipated to be minimal.

I am familiar with the Migratory Bird Treaty Act, and am aware that there is legal precedent for enforcing a broad interpretation of this Act. In some instances, especially those involving a major disruption in a relatively undisturbed, species-rich corridor, mitigation can never be adequate.

If FWS recommendations are followed, there will be no clearing or construction in the proposed 595 corridor during four full months of road construction season. If MNDR field staff recommendations are followed, the 595 project will be shelved and existing infrastructure will be upgraded, instead.

It is unfortunate that federal regulators are being pressured by legislators and local officials who are promoting construction of CR 595 in a misguided attempt to create jobs. It is my hope that EPA and ACE will continue to see through these specious arguments and uphold their objections to issuance of a permit for 595. If you can yet be of help, please consider restating your objections as well.

Thank you for your consideration.

Catherine Parker

Ex. 6 - Privacy

Marquette, MI 49855

EPA-R5-2015-005032RR-23

Catherine Parker

~~Ex. 6 - Privacy~~

11/29/2012 02:35 PM

To Susan Hedman

cc Tinka Hyde, Melanie Haveman, Sue Elston, Peter Swenson

bcc

Subject Proposed County Road 595, the real story

Dear Administrator Hedman,

When Kennecott filed the permit application for its proposed Eagle Mine on the Yellow Dog Plains, they made it expressly clear that they would have no problem with upgrading existing roads for their transportation route. But after deciding to purchase the Humboldt Mill, they formed a coalition with powerful local interests in order to push through construction of a north-south haul road from the mine to the mill.

As you know, they ran into trouble with wetlands impacts and other environmental concerns and withdrew their application to buy time...and the local governing bodies, it seems. Promising to pay for construction of what would now be known as County Road 595, Kennecott/Rio Tinto formed a new coalition, this time with the Marquette County Road Commission. By this time, they had the County convinced that they'd be getting a road that would benefit everyone and not cost them a penny.

The financial details haven't worked out quite the way the County had planned, of course, with the Road Commission spending well over \$50,000 by early this year, not counting staff time. They do not have a signed agreement with Rio Tinto to pay for construction of CR 595, and they'll be on their own with maintenance once the mine ceases operations. Additionally, Rio Tinto has managed to secure Category A grants to pave two little-used segments of roadway--at the north end of the proposed 595 and near the Humboldt Mill, and CR 595 has been certified as a federal aide road. That's taxpayer money, but the County seems to be missing that point.

Speaking of taxes, Governor Snyder's office is currently trying to ram through a severance tax package that would benefit the Eagle Mine and any other non-ferrous mining company that is looking to start operations in the U.P. under Michigan's flawed Part 632 Mining Law. It's looking like a very bad deal for locals and the environment.

It doesn't seem coincidental that one of the provisions in this proposed tax package is a deduction for transportation costs. As a previously plotted "compromise," Representative Huuki, who introduced the bills, offered to remove the deduction. There still remains a bill for a proposed "rural development fund," which would fund projects supporting "land-based industries"--i.e., infrastructure. I'm sure Rio Tinto has been aware of this provision longer than we, the people of Marquette County, have known about it.

Perhaps the overall message here is that Rio Tinto and Lansing have been playing a trick on us, and most of us have fallen for it. They have used scare tactics (mining trucks through the City!) and bribes and now, political pressure to try to get this very damaging and completely

unnecessary project approved. Rio Tinto pretends that they don't care either way. It has become a runaway cart, and they couldn't be more pleased than to have others pushing for, and perhaps even paying for, their road.

Please uphold your original objections to the County Road 595 application.

Thank you,

Catherine Parker
Marquette, MI

Please do not allow this to become a political decision.

EPA-R5-2015-005032RR-24

Catherine Parker

 Ex. 6 - Privacy

12/02/2012 07:59 PM

To Tinka Hyde, Melanie Haveman

cc Sue Elston, Peter Swenson

bcc

Subject DEQ responses to public comments on CR 595--do they exist?

Hello Tinka and Melanie,

You might recall my asking Steve Casey, in your presence, when the DEQ was going to post the comments and responses from the DEQ hearing on County Road 595. This was not the first time I'd asked, but Steve simply replied that it would take some time to get it done. I responded by saying they'd had since February. When I asked yet again, via e-mail, I was told I'd have to go through the FOIA process. I don't think this is right.

Do you have this information, and if so, could you please send it to me? I also thought EPA was going to post comments and responses from *their* hearing online, but I don't see it on your website.

Thank you for your help.

Catherine Parker
Marquette, MI

EPA-R5-2015-005032RR-25

Mery Jackson /R5/USEPA/US

12/17/2012 07:59 AM

To Peter Swenson, Wendy Melgin

cc

bcc

Subject incoming: Fw: Reassignment Request for FOIA Assignment
for EPA-R5-2013-002140

Peter. OECA has no records and Westlake says this should go to you - (see his message below).

Fee commitment is \$25.00, but this is in the other category - 2 hours search time is free - all review is free and 100 pages is free.



2013-002140 (2).pdf



EPA-R5-2013-002140.pdf

----- Forwarded by Mery Jackson/R5/USEPA/US on 12/17/2012 07:55 AM -----

From: Anna Rzeznik/R5/USEPA/US
To: Mery Jackson/R5/USEPA/US@EPA,
Date: 12/14/2012 01:59 PM
Subject: Fw: Reassignment Request for FOIA Assignment for EPA-R5-2013-002140

FYI this will be tasked to Water today

Anna Rzeznik

US EPA Region 5 FOIA Office

(312)353-8049

r5foia@epa.gov

----- Forwarded by Anna Rzeznik/R5/USEPA/US on 12/14/2012 01:58 PM -----

From: Ladawn Whitehead/R5/USEPA/US
To: Anna Rzeznik/R5/USEPA/US@EPA
Cc: Kenneth Westlake/R5/USEPA/US@EPA
Date: 12/14/2012 01:01 PM
Subject: Re: Reassignment Request for FOIA Assignment for EPA-R5-2013-002140

Hi, Anna-

Ken stated that this request should go to the Wetlands Branch, Peter Swanson.

La Dawn Whitehead

Records Management Specialist

Regional Hearing Clerk

U.S. EPA - Region 5 (E-19J)

Office of Enforcement and Compliance Assurance

77 West Jackson Boulevard, Chicago, Illinois 60604-3590

Phone # (312) 886-3713

Fax # (312) 692-2405

Anna Rzeznik

Ladawn, you will get the FOIA below, I...

12/13/2012 09:39:19 AM

From: Anna Rzeznik/R5/USEPA/US
To: Ladawn Whitehead/R5/USEPA/US@EPA,

Date: 12/13/2012 09:39 AM
Subject: Fw: FOIA Assignment for EPA-R5-2013-002140

Ladawn, you will get the FOIA below, I believe this should go to Ken Westlake.

Anna Rzeznik
US EPA Region 5 FOIA Office
(312)353-8049
r5foia@epa.gov

----- Forwarded by Anna Rzeznik/R5/USEPA/US on 12/13/2012 09:38 AM -----

From: "foia@erulemaking.net" <foia@erulemaking.net>
To: Anna Rzeznik/R5/USEPA/US@EPA
Date: 12/13/2012 09:31 AM
Subject: FOIA Assignment for EPA-R5-2013-002140

You have been assigned to the FOIA request EPA-R5-2013-002140. Additional details for this request are as follows:

- Due Date: 01/14/2013
- Requester: Catherine Parker
- Request Track: Simple
- Short Description: All information from July 18, 2012 to present on proposed County Road 595 in Marquette County MI
- Long Description: All EPA correspondence and other documents related to the proposed County Road 595 (in Marquette County) dated July 18, 2012 or later. Please provide me with a cost estimate if the FOIA is to be over \$25.

EPA-R5-2015-005032RR-26

Catherine Parker

Ex. 6 - Privacy

12/18/2012 08:55 PM

To CASEYS

cc Jim Caron, Melanie Haveman, Robert.D.Deroche

bcc

Subject Public Notice 12-27-0050-P Comments

Dear Mr. Casey,

It is unfortunate that we have a new mining law that does not have siting requirements, among other shortcomings. In spite of the fanfare touting it as the toughest of its kind in the nation, Part 632 most certainly is not so, as evidenced by the ease with which Kennecott has alternately ignored and manipulated its provisions, and the fact that DEQ is prepared to allow something like 16,000 feet of stream to be filled with tailings, within close proximity to the largest freshwater lake in the world.

We have no greater resource than our clean water, thus, preserving and protecting it should be our highest priority. Avoidance is the most desirable outcome when discussing possible impacts to aquatic resources. Minimization, next. When it comes to consideration of the public interest, here, things are definitely moving in the wrong direction.

Please deny this permit application.

Thank you,

Catherine Parker

Ex. 6 - Privacy

Marquette, MI 49855

EPA-R5-2015-005032RR-27

Catherine Parker

Ex. 6 - Privacy

01/02/2013 12:29 PM

To Melanie Haveman, Peter Swenson

cc Susan Hedman, Tinka Hyde, Sue Elston, Jean.M.Battle2,
John.Konik, Chris_Mensing

bcc

Subject Alternatives analysis for CR 595, mitigation, mineral rights

Dear Peter and Melanie,

Could you please tell me on what basis EPA decided to withdraw their objection regarding the CR 595 applicant's Alternatives Analysis Assessment? That sentence should stand alone, because I really want to know what you think.

But I find it odd that the Road Commission cited wetland impacts of 13.04 acres for the Red Road-510 route in July, and on August 17, Jim Iwanicki wrote to Levin's office citing 21.24 acres of impacts.

In your "Responsiveness Summary" dated December 3, 2012, it states that:

..the proposed mitigation plan does not compensate for the habitat fragmentation that will occur if CR 595 is built...construction of roads through previously intact forested systems in North America have played a primary role in the decline of forest bird species due to the increase in edge habitat resulting from road construction. The proposed alignment for CR 595 runs through a large area of contiguous forested habitat."

How have the applicants proposed to protect the migratory birds in the corridor? Surely, prevention of periodic logging in the "preservation area" will not compensate for the harm done by construction of a major road in this area?

I also have concerns about the DEQ's conversation with the applicants regarding mineral rights. It is my hope that EPA will require absolute assurance that this area would never be mined, and not accept dubious claims and deal-making that could lead to mineral extraction in the future. This assurance should be provided prior to permit approval, and not, as with so many other activities associated with Rio Tinto, added after the fact.

Another consideration that seems to have been overlooked is the very obvious possibility that construction of CR 595 might lead to yet another highly disruptive and destructive roadway--this time, to Baraga.

I don't understand why the whole process wasn't called to a halt in the beginning, as it was already apparent from the Woodland Road permitting process that this road would be built primarily for the purpose of hauling ore from the Eagle Mine to the Humboldt Mill. That fact changes the whole picture, doesn't it?

As the Army Corp stated, mine, mill and haul road should be evaluated as one. Impacts of future mining activities associated with this company should've been taken into consideration as well. Take a look at Kennecott's mineral rights ownership in the central and western U.P. and recent surface acquisitions. Ask them what their hopes and dreams are for this region. The 595 permit application says that construction of CR 595 will not lead to more mining--why should this be accepted as fact? Is it not EPA's job to discern fact from fiction? It is still my contention that MDEQ erred in accepting the project purpose as stated in the CR 595 permit application.

The proposed CR 595 would directly impact 122 wetland complexes and bisect a major wildlife corridor. It is also likely to increase development and may lead to further road construction, in spite of the applicants' claims to the contrary.

Please do not approve this project.

Thank you,

Catherine Parker
Marquette, MI

EPA-R5-2015-005032RR-28

Peter Swenson /R5/USEPA/US

01/04/2013 11:04 AM

To Catherine Parker

cc Melanie Haveman, Mery Jackson

bcc

Subject Material in response to County Road 595 FOIA request

To: Catherine Parker, <Ex. 6 - Privacy>

Dear Ms Parker,

Thank you for clarifying your recent FOIA request regarding Marquette County Road 595. You have indicated that the only documents you are now interested in receiving are those submitted by Marquette County following EPA's December 4, 2012 letter to MDEQ.

This information includes three documents:

- 1: The 12/27 letter from Marquette County Road Commission to MDEQ
- 2: The Marquette County Road Commission's 12/27 response to EPA
- 3: Information provided to EPA on behalf of Marquette County by Ronald E. Greenlee (Kendricks, Bordeau, Adami, Chilman and Greenlee)

The first two documents are attached here. EPA will provide the third document to you via US Mail.



MCRC Cover Letter.pdf



CR 595 Response to EPA Obj 12 27 12 final.pdf

I would appreciate if you could respond that you have received this message.

Thank you,

Peter Swenson (WW-16J)
Chief, Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

EPA-R5-2015-005032RR-29

Catherine Parker

<Ex. 6 - Privacy>

01/04/2013 11:29 AM

To Peter Swenson

cc Melanie Haveman, Mery Jackson

bcc

Subject Re: Material in response to County Road 595 FOIA request

Thank you very much, Peter. I am grateful!

Catherine

--- On Fri, 1/4/13, Swenson.Peter@epamail.epa.gov <Swenson.Peter@epamail.epa.gov> wrote:

From: Swenson.Peter@epamail.epa.gov <Swenson.Peter@epamail.epa.gov>

Subject: Material in response to County Road 595 FOIA request

To: "Catherine Parker" <Ex. 6 - Privacy>

Cc: Haveman.Melanie@epamail.epa.gov, Jackson.Mery@epamail.epa.gov

Date: Friday, January 4, 2013, 11:04 AM

To: Catherine Parker, <Ex. 6 - Privacy>

Dear Ms Parker,

Thank you for clarifying your recent FOIA request regarding Marquette County Road 595. You have indicated that the only documents you are now interested in receiving are those submitted by Marquette County following EPA's December 4, 2012 letter to MDEQ.

This information includes three documents:

- 1: The 12/27 letter from Marquette County Road Commission to MDEQ
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- 3: Information provided to EPA on behalf of Marquette County by Ronald E. Greenlee (Kendricks, Bordeaux, Adami, Chilman and Greenlee)

The first two documents are attached here. EPA will provide the third document to you via US Mail.

(See attached file: MCRC Cover Letter.pdf) (See attached file: CR 595 Response to EPA Obj 12 27 12 final.pdf)

I would appreciate if you could respond that you have received this message .

Thank you,

Peter Swenson (WW-16J)
Chief, Watersheds and Wetlands Branch

U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

EPA-R5-2015-005032RR-30

Catherine Parker

~~Ex. 6 - Privacy~~

01/20/2013 06:42 PM

To CASEYS, " Joe \(\DEQ\)Maki"

cc Jim Caron, Melanie Haveman, Robert.D.Deroche

bcc

Subject 12-27-0050-P Comments (Orvana wetlands, inland lakes, streams permit)

Hello Steve and Joe,

Thank you for taking additional time to review comments and information regarding Orvana's wetlands permit application, and for making materials readily available online.

In a previous letter I stated that Part 632's lack of siting requirements for new mines is a major problem, especially in a water-rich region like the U.P. Operating a mine close to Lake Superior and situating a tailings facility in an area dense with creeks and tributaries seems like a poorly-conceived plan, and one that is likely to have significant adverse impacts on aquatic resources.

With that said, I have a few questions for you. How much rock will be removed in order to shift the two relocated streams back to their original channels—i.e., will the stream beds and adjacent banks (within the specified buffer zone) be completely free from waste rock and other mining by-products?

Did Orvana submit alternative locations for the tailings disposal facility, or was the southeast corner the only proposed site? Were the applicants asked to consider other locations?

Because of ongoing concerns about potential subsidence and the presence of abundant surface water, it seems to me that backfilling of waste rock should be given additional consideration, *before approval of wetlands permits* .

Sincerely,

Catherine Parker

Marquette, MI

--- On Tue, 12/18/12, Catherine Parker <Ex. 6 - Privacy> wrote:

From: Catherine Parker <Ex. 6 - Privacy>
Subject: Public Notice 12-27-0050-P Comments
To: CASEYS@michigan.gov
Cc: "Jim Caron" <CARONJ@michigan.gov>, "Melanie Haveman" <Haveman.Melanie@epamail.epa.gov>, Robert.D.Deroche@usace.army.mil
Date: Tuesday, December 18, 2012, 8:55 PM

Dear Mr. Casey,

It is unfortunate that we have a new mining law that does not have siting requirements, among other shortcomings. In spite of the fanfare touting it as the toughest of its kind in the nation, Part 632 most certainly is not so, as evidenced by the ease with which Kennecott has alternately ignored and manipulated its provisions, and the fact that DEQ is prepared to allow something like 16,000 feet of stream to be filled with tailings, within close proximity to the largest freshwater lake in the world.

We have no greater resource than our clean water, thus, preserving and protecting it should be our highest priority. Avoidance is the most desirable outcome when discussing possible impacts to aquatic resources. Minimization, next. When it comes to consideration of the public interest, here, things are definitely moving in the wrong direction.

Please deny this permit application.

Thank you,

Catherine Parker
Ex. 6 - Privacy
Marquette, MI 49855

EPA-R5-2015-005032RR-31

Catherine Parker

<Ex. 6 - Privacy>

01/23/2013 11:28 AM

To "Joe \\\(DEQ\\)Maki", " Steve \\\(DEQ\\)Casey"

cc " James \\\(DEQ\\)Caron", Melanie Haveman,
"Robert.D.Deroche@usace.army.mil"

bcc

Subject RE: 12-27-0050-P Comments (Orvana wetlands, inland
lakes, streams permit)

Hello Steve,

Thank you for your reply. What I was wondering about with the stream re-locations, and perhaps I was unclear, is how much waste rock will have to be removed in order to place the streams into their original channels, and whether or not there be any mining residue in the stream beds, after remediation.

I'd also like to know if the water from the cap of the tailings basin will be directed through wetlands prior to it being routed into the streams. I realize that Copperwood is considered to be a low AMD risk, but there must be a limit to how much sediment wetlands can absorb without being compromised. Perhaps you've seen the remediation sites at the former Buck and Dober mines near Iron River, Michigan? I've attached a photo, in case you haven't. Clogging up, even with limestone dumped at the seeps.

Catherine

--- On **Mon, 1/21/13**, Casey, Steve (DEQ) <CASEYS@michigan.gov> wrote:

From: Casey, Steve (DEQ) <CASEYS@michigan.gov>

Subject: RE: 12-27-0050-P Comments (Orvana wetlands, inland lakes, streams permit)

To: "Catherine Parker" <Ex. 6 - Privacy> " Joe (DEQ)Maki" <
MAKIJ3@michigan.gov>

Cc: "Caron, James (DEQ)" <CARONJ@michigan.gov>, "Melanie Haveman"
<Haveman.Melanie@epamail.epa.gov>, "Robert.D.Deroche@usace.army.mil"
<Robert.D.Deroche@usace.army.mil>

Date: Monday, January 21, 2013, 6:45 AM

Catherine,

The two relocated streams will be routed around the tailings basin and into natural channels downstream. Water from the cap of the completed tailings basin will also be routed into natural channels downstream. No rock will be blasted, the area where the streams are being rerouted don't require this.

The application materials that we made available on line include a detailed analysis of

backfilling the mine with tailings and alternate locations for the tailings basin. Based on our review and public comment, we requested that Orvana provide additional analysis of both of these issues last summer. The alternative analysis (tab 5 of the November 24 application) includes their more detailed analysis of these issues.

From: Catherine Parker <Ex. 6 - Privacy>
Sent: Sunday, January 20, 2013 7:42 PM
To: Casey, Steve (DEQ); Joe (DEQ)Maki
Cc: Caron, James (DEQ); Melanie Haveman; Robert.D.Deroche@usace.army.mil
Subject: 12-27-0050-P Comments (Orvana wetlands, inland lakes, streams permit)

Hello Steve and Joe,

Thank you for taking additional time to review comments and information regarding Orvana's wetlands permit application, and for making materials readily available online.

In a previous letter I stated that Part 632's lack of siting requirements for new mines is a major problem, especially in a water-rich region like the U.P. Operating a mine close to Lake Superior and situating a tailings facility in an area dense with creeks and tributaries seems like a poorly-conceived plan, and one that is likely to have significant adverse impacts on aquatic resources.

With that said, I have a few questions for you. How much rock will be removed in order to shift the two relocated streams back to their original channels—i.e., will the stream beds and adjacent banks (within the specified buffer zone) be completely free from waste rock and other mining by-products?

Did Orvana submit alternative locations for the tailings disposal facility, or was the southeast corner the only proposed site? Were the applicants asked to consider other locations?

Because of ongoing concerns about potential subsidence and the presence of abundant surface water, it seems to me that backfilling of waste rock should be given additional consideration, before approval of wetlands permits.

Sincerely,

Catherine Parker
Marquette, MI

--- On Tue, 12/18/12, Catherine Parker <Ex. 6 - Privacy> wrote:

From: Catherine Parker <Ex. 6 - Privacy>
Subject: Public Notice 12-27-0050-P Comments
To: CASEYS@michigan.gov

Cc: "Jim Caron" <CARONJ@michigan.gov>, "Melanie Haveman" <Haveman.Melanie@epamail.epa.gov>, Robert.D.Deroche@usace.army.mil
Date: Tuesday, December 18, 2012, 8:55 PM

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We have no greater resource than our clean water, thus, preserving and protecting it should be our highest priority. Avoidance is the most desirable outcome when discussing possible impacts to aquatic resources. Minimization, next. When it comes to consideration of the public interest, here, things are definitely moving in the wrong direction.

Please deny this permit application.

Thank you,

Catherine Parker

Ex. 6 - Privacy .

Marquette, MI 49855



Iron River, 3-18-12 151.jpg